

ported from the State of Vermont into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that a substance, cane sugar, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, and in that it was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 6, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

14067. Misbranding of Milam. U. S. v. 46 Bottles, et al., of Milam. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 20706, 20707. S. Nos. E-5607, E-5608.)

On December 11, 1925, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 66 bottles of Milam, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Perry Drug Co., from Winston-Salem, N. C., in part April 1, 1925, and in part May 4, 1925, and transported from the State of North Carolina into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of samples of the article showed that it consisted of extracts of plant drugs, nitric acid, salicylic acid, and water.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said article, borne on the labels, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "For Good Blood * * * in the treatment of diseases arising from impure, impoverished or acid blood. Is valuable in all run-down and depleted conditions, and is recommended for appetite and digestion," (carton) "For Blood, Bone And Skin * * * in the treatment of all diseases arising from Impure, Impoverished, or acid blood. Is valuable in all run down and depleted conditions, and is recommended for appetite and digestion, or wherever there is need of an Alterative Tonic * * * For Good Blood, Rheumatism, Gout and other Uric Acid Conditions. Eczema, Scrofula and all Skin Diseases, Boils, Carbuncles, Chronic Sores, Blood Poison, Anemia or Impoverished Blood, Certain forms of Failing Vision, Foison Oak and Ivy, Loss of Appetite and all Run Down Conditions. * * * In severe cases of blood diseases, after the patient is apparently cured, several more bottles should be taken, to eradicate all the poison."

On January 29, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

14068. Adulteration and misbranding of feeds. U. S. v. Mississippi Elevator Co. Plea of guilty. Fine, \$80. (F. & D. No. 19648. I. S. Nos. 7193-v, 9129-v, 9134-v, 10734-v.)

On August 26, 1925, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mississippi Elevator Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the food and drugs act, on or about October 19, 1923, from the State of Tennessee into the State of Alabama, and on or about October 23 and December 7, 1923, and February 5, 1924, respectively, from the State of Tennessee into the State of Mississippi, of quantities of feeds which were adulterated and misbranded. One shipment was labeled in part: "Prize Dairy Composed Of Cotton Seed Meal, Corn Meal, Wheat Bran, Wheat Shorts, Corn Bran, Corn Hearts, Gluten Feed, Alfalfa Meal, and not over 1% salt. Guaranteed Analysis: Protein Minimum 24.00 Fat Minimum 5.00 * * * Fiber

Maximum 10.00 Manufactured By Mississippi Elevator Co., Memphis, Tenn." Three shipments were labeled in part: "Breeze H. & M. Feed Manufactured By Mississippi Elevator Co. Memphis, Tennessee Composed Of Cracked Corn, Oats, Oat Feed (oat middlings, oat dust and oat hulls), Alfalfa Meal, Molasses, and 1% of 1% salt. Guaranteed Analysis: Protein minimum 9.00."

Analysis by the Bureau of Chemistry of this department of a sample of the Prize dairy feed showed that it contained 21.8 per cent protein, 4.50 per cent fat and 11.39 per cent crude fiber. Analysis of a sample of the Breeze H. & M. feed from each of the shipments showed that they contained 8.02 per cent, 7.55 per cent, and 7.53 per cent protein.

Adulteration of the Prize dairy feed was alleged in the information for the reason that a feed deficient in protein and fat and containing excessive fiber had been substituted for the article.

Adulteration of the Breeze H. & M. feed was alleged for the reason that a feed deficient in protein, in that it contained less than 9 per cent of protein, had been substituted for a feed guaranteed to contain 9 per cent of protein, which the said article purported to be.

Misbranding of the Prize dairy feed was alleged for the reason that the statements, to wit, "Composed Of Cotton Seed Meal, Corn Meal, Wheat Bran, Wheat Shorts, Corn Bran, Corn Hearts, Gluten Feed, Alfalfa Meal, and not over 1% salt," and "Guaranteed Analysis: Protein Minimum 24.00 Fat Minimum 5.00 * * * Fiber Maximum 10.00," borne on the tag attached to the sack containing the article, were false and misleading, in that the said statements represented that the article was composed only of and contained all of the above-named ingredients, and contained a minimum of 24 per cent of protein and 5 per cent of fat and a maximum of not more than 10 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was composed only of and contained all of the above-named ingredients, and contained not less than 24 per cent of protein and not less than 5 per cent of fat and not more than 10 per cent of fiber, whereas the said article did not contain wheat bran, alfalfa meal, and corn meal, it contained only a trace of corn hearts, it contained undeclared ingredients, to wit, corn feed meal, alfalfa stems and flax plant waste, and contained less than 24 per cent of protein, less than 5 per cent of fat, and more than 10 per cent of fiber.

Misbranding of the said Breeze H. & M. feed was alleged for the reason that the statements, to wit, "Composed Of * * * Alfalfa Meal" and "Guaranteed Analysis: Protein minimum 9.00," borne on the tags attached to the sacks containing the article, were false and misleading, in that the said statements represented that the article contained a substantial quantity of alfalfa meal and contained 9 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained a substantial quantity of alfalfa meal and contained 9 per cent of protein, whereas it did not contain a substantial quantity of alfalfa meal but one lot of the product contained no alfalfa meal, a second lot contained a mere trace of alfalfa meal, and a third lot contained a small amount of very stemmy alfalfa, and the said article did not contain 9 per cent of protein but did contain a less amount.

On November 26, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$80.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

4069. Misbranding of coffee. U. S. v. J. A. Folger & Co. Plea of guilty. Fine, \$100. (F. & D. No. 19684. I. S. Nos. 12164-v, 12166-v, 12169-v, 12171-v, 12172-v, 20512-v, 20513-v, 20514-v, 20516-v, 20525-v, 20526-v, 20531-v, 20532-v, 20533-v.)

On November 18, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against J. A. Folger & Co., a corporation, San Francisco, Calif., alleging shipment by said company, in various consignments, between the dates of March 29, 1924, and February 28, 1925, from the State of California in part into the State of Washington, in part into the State of Idaho, and in part into the Territory of Alaska, of quantities of coffee which was misbranded in violation of the food and drugs act as amended. The articles were labeled: "Folger's Golden Gate Coffee 2½ Pounds Net Weight" (or "Two Pounds Net Weight" or "Five Pounds Net Weight") "J. A. Folger & Co. Kansas City San Francisco," and "Shasta Steel Cut Coffee Five Pounds Net Weight" (or "One Pound Net Weight") "J. A. Folger & Co. Kansas City San Francisco."